

REMARKS

Claims 1-20 are all the claims pending in the application. By this amendment, claims 13, 16 and 19 are amended in a manner that is not believed to be narrowing. For at least the reasons discussed below, applicant respectfully requests withdrawal of the rejections and allowance of the claims.

I. 35 U.S.C. § 101

Claims 13, 16, and 19 stand rejected under 35 U.S.C. § 101 due to the allegedly improper recitation of nonstatutory subject matter. Applicant has amended these claims as indicated by the Examiner, and thus believes the rejection is overcome.¹ Therefore, applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 101.

II. 35 U.S.C. § 103

As a preliminary matter, applicant thanks the Examiner for the withdrawal of the previous rejections under 35 U.S.C. § 102.

Claims 1-20 stand rejected due to alleged obviousness under 35 U.S.C. § 103(a) based on the Examiner's proposed combination of Umeda and Eidson. Applicant respectfully submits that the proposed combinations of references fail to disclose or suggest all of the claimed combinations of features, as required for a *prima facie* obviousness rejection. Further, applicant respectfully submits that the rejection is being made in hindsight of the present application specification, which is improper. These points are explained below in greater detail, and for at

¹ Separately, the Examiner mentions claim 17, but applicant notes that claim 17 has nothing to do with a computer related aspect, and thus appears to be a typographical error.

least these reasons, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

The presently claimed invention is directed to a fixed transmitting station of a wireless telecommunication system. As explained at present application pages 1-3, there is a problem unique to the fixed transmitting station, in that human exposure to RF emissions due to the electromagnetic environment (EME) must be monitored. Further, the prior art is directed to a field probe and a measurement device connected to a mobile device such as a laptop. The presently claimed invention is directed to a fixed transmitting station of a wireless telecommunication system that includes an antenna. The EME of the antenna of the fixed transmitting station is measured by a fixed probe 114 that is connected to a cable 114 of the fixed transmitting station. Further, data is transmitted to a central control unit 124.

Applicant respectfully submits that Umeda is no closer to the claimed invention than the background art disclosed in the present application at page 2, lines 4-8, i.e., a laptop with an EM field sensor. Further, Applicant respectfully disagrees with the Examiner's characterization of terminal 200 of Umeda as "fixed". The passage of Umeda describing reference character 200 only mentions various mobile devices, and at no point is a fixed communication terminal disclosed. For this reason alone, applicant respectfully submits that the proposed combination as cited by the Examiner fails to disclose or suggest all of the claimed combinations of features.

More specifically, Umeda discloses at FIG. 3 a communication terminal 200 connected to an antenna 204. As shown in FIG. 4, the information terminal 300 includes an environment detecting section 310. Paragraph [0038] of Umeda explains that the environmental detection section 310 includes an apparatus for detecting an environment in which the information

terminal 300 is placed (e.g., train, bus, theater, hospital, etc.). Thus, applicant respectfully submits that Umeda teaches only monitoring the environment of the mobile station.

Further, Umeda does not discuss monitoring the EME in view of health and safety concerns. Paragraphs [0047]-[0048] further clarify that the electromagnetic wave environment that is being monitored is with respect to movement of the information terminal, such as based on the movement between indoors and outdoors, or to the shady side of a building. Applicant respectfully submits that if the information terminal 300 was fixed, then there would be no need to monitor the foregoing information, because it would never move between such locations.

Additionally, paragraph [0048] introduces discussion of the term “base station”, as a station that communicates with the communication terminal 200 via a NW detecting section 206. Applicant respectfully submits that if the communication terminal 200 was fixed, it would not need to detect reception levels of the perch channels of a plurality of base stations, as explained in this passage of Umeda.

Accordingly, and because the communication terminal 200 includes structures such as the environmental detecting section 310 that collect data that is uniquely usable by a mobile terminal, and not useful for a fixed terminal, applicant respectfully submits that the disclosure of Umeda cited by the Examiner does not disclose a fixed transmission station measuring the EME.

In contrast to the claimed invention, Umeda discloses detection of an electromagnetic signal at a mobile device where an operator would be using the mobile phone. As explained above and the in the specification, the presently claimed invention is distinguishable at least in that it is directed to a fixed terminal measurement device that does not require a human operator to be present.

Applicant respectfully submits that the Examiner has mischaracterized Umeda with respect to the independent claims. For example, but not by way of limitation, the Examiner asserts that the communication terminal 200 of Umeda is a fixed station, “possibly”. However, the Examiner does not provide any support for this characterization. Further, applicant has noted above that there are several citations in the specification that further clarify that the communication terminal 200 of Umeda is for mobile station. As a result of this mischaracterization, applicant respectfully submits that the Examiner has improperly asserted that Umeda discloses electromagnetic field measurement of an environment of an antenna of a fixed transmitting station of a wireless telecommunication system, as required by claims 1, 8 and 10.

The law of obviousness requires the Examiner to consider the reference as a whole. In characterizing element 200 as a fixed terminal, applicant respectfully submits that the Examiner has not interpreted the reference as a whole, and instead only reviews certain portions, and reviews those portions in a manner inconsistent with the overall teaching of Umeda, as well as its details. A correct characterization of Umeda would reveal that Umeda does not disclose electromagnetic field measurement of an environment of an antenna of a fixed transmitting station of a wireless telecommunication system as recited in claims 1, 8 and 10. Further, as the Examiner has not shown any secondary reference that cures this deficiency, applicant respectfully submits that the Examiner’s proposed combination of Umeda and Eidson fails to disclose or suggest electromagnetic field measurement of an environment of an antenna of a fixed transmitting station of a wireless telecommunication system, as recited in independent claim 1.

In this regard, applicant respectfully submits that Umeda does not disclose or suggest electromagnetic field measurement of an environment of an antenna of a fixed transmitting station of a wireless telecommunication system, as recited in independent claims 1, 8 and 10, and further, Eidson fails to cure this deficiency of Umeda. For at least this reason, applicant respectfully requests withdrawal of the rejections and allowance of the claims.

Additionally, as admitted by the Examiner, Umeda fails to disclose an antenna connected to the fixed transmitting station by at least one RF cable. The Examiner proposes to combine Umeda with Eidson to cure these admitted deficiencies of Umeda. However, applicant respectfully submits that claims 1, 8 and 10 do not recite this claimed feature. The Examiner appears to be directing this remark to claim 17. As explained above, the deficiencies of claims 1, 8 and 10 with respect to Umeda are not cured by Eidson, and the Examiner has not provided a detailed reason as to why the combination would teach or suggest the invention as recited in claims 1, 8 and 10. Applicant notes

Claims 2-7, 11, 14, 17 and 18 depend from independent claim 1; claims 9, 12, 15 and 19 depend from independent claim 8; and claims 13, 16 and 20 depend from independent claim 10. Applicant respectfully submits that the dependent claims are allowable at least by virtue of their dependency from the respective independent claims.

Additionally, applicant respectfully submits that Umeda fails to disclose the measurement means being mounted on the antenna of the fixed station, as required by claim 2, for reasons similar to those discussed above with respect to independent claim 1. Umeda clearly discloses the wireless nature of communication of various signals, and especially in view of the communication terminal 200 being mobile, and Eidson fails to cure this deficiency of Umeda.

Applicant respectfully submits that the proposed combination of Umeda and Eidson fails to disclose or suggest measuring the EME via a fixed probe at said fixed transmitting station and connected to said antenna, and further wherein manual interaction is not required for said measurement, as required by claims 11-13. As admitted by the Examiner, Umeda fails to disclose or suggest this claimed feature alone. Therefore, the Examiner proposes to combine Eidson with Umeda. Applicant respectfully submits that Eidson as combined with Umeda also fails to disclose monitoring of the EME at the fixed station via a probe, and also without requiring manual activity by a user. At best, Eidson, discloses details of a fixed station antenna structure, but does not resolve the issues raised in the specification of the present application as related to EME.

Further, applicant respectfully submits that the proposed combination of Umeda and Eidson fails to disclose or suggest that a change in an electromagnetic environment of the fixed transmitting station, due to an addition of another fixed transmitting station, is immediately reported to said central control unit, as recited in claims 18-20. The Examiner asserts that Umeda discloses or suggests the claimed features. However, applicant respectfully submits that Umeda is not directed to changes in the EME of the fixed station, especially with respect to the addition of another fixed transmitting station.

Therefore, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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